

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JASON MALLORY,

Plaintiff,

v.

COUNTY OF SACRAMENTO,

Defendant.

Case No. 3:23-cv-00497-ART-CLB

ORDER ADOPTING REPORT AND
RECOMMENDATION OF U.S.
MAGISTRATE JUDGE

Pro se Plaintiff Jason Mallory filed a civil rights suit against the county of Sacramento for false arrest and imprisonment relating to events that occurred at his residence in Sacramento. Magistrate Judge Baldwin issued a Report and Recommendation (ECF No. 3) recommending that Mallory's application to proceed *in forma pauperis* (ECF No. 1) be granted, that the complaint (ECF No. 1-1) be dismissed without prejudice, and that this action be closed. Mallory filed an objection (ECF No. 4), repeating his claims and stating that he has had problems filing lawsuits in California. For the reasons identified below, the Court overrules Mallory's objections and adopts Judge Baldwin's R&R in full.

Under the Federal Magistrates Act, a Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by [a] magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). A court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985).

I. In Forma Pauperis Application

In the R&R, Judge Baldwin recommends that Mallory's application to proceed IFP be granted because he is unable to pay the filing fee. Mallory does not object to that portion of the R&R. Therefore, the Court grants Mallory's application to proceed IFP (ECF No. 1).

II. Screening

Upon screening the complaint, Judge Baldwin found that the Court lacks personal jurisdiction and venue is improper because Mallory has not alleged that any defendant resides in the District of Nevada, that a substantial part of the events giving rise to the action transpired in the District of Nevada, or that Mallory has any connection to the District. (ECF No. 3.)

In his objection, Mallory acknowledges that his claims do not have any connection to Nevada but asks that the District of Nevada hear the case because he has had problems communicating with law enforcement and bringing claims in California courts. (ECF No. 4). Mallory states that if the District of Nevada is unable to hear this case, he seeks a petition for a Writ of Certiorari to bring this case directly to the Supreme Court. (*Id.*) Mallory has not alleged any facts which suggest that his claims have a connection to the District of Nevada.

Therefore, the Court dismisses the action without prejudice for lack of venue and personal jurisdiction in accordance with the R&R's recommendation.

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III. Conclusion

The Court therefore orders that Mallory's objection to Judge Baldwin's R&R (ECF No. 4) is OVERRULED.

The Court further orders that Judge Baldwin's R&R (ECF No. 3) is ADOPTED. In accordance with the R&R, the Court GRANTS Mallory's application to proceed *in forma pauperis* (ECF No. 1), directs the Clerk to file the complaint (ECF No. 1-1), and DISMISSES the complaint (ECF No. 1-1) without prejudice.

The Clerk of the Court is directed to enter judgment accordingly and close the case.

DATED THIS 22nd day of October 2024.



ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE